

### Timken Notice

In its decision in *Timken*,<sup>15</sup> as clarified by *Diamond Sawblades*,<sup>16</sup> the CAFC held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not “in harmony” with Commerce’s determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s December 8, 2021, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Amended Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

### Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* and *Amended Final Results* with respect to Canadian Solar, Yingli and Shanghai BYD Co., Ltd. as follows:

Exporter	Weighted-average dumping margin (percent)
Canadian Solar International Limited; Canadian Solar Manufacturing (Changshu), Inc.; Canadian Solar Manufacturing (Luoyang), Inc.; CSI Cells Co., Ltd.; CSI-GCL Solar Manufacturing (YanCheng) Co., Ltd.; CSI Solar Power (China) Inc ...	0.00
Yingli Energy (China) Company Limited; Baoding Tianwei Yingli New Energy Resources Co., Ltd.; Tianjin Yingli New Energy Resources Co., Ltd.; Hengshui Yingli New Energy Resources Co., Ltd.; Lixian Yingli New Energy Resources Co., Ltd.; Baoding Jiasheng Photovoltaic Technology Co., Ltd.; Beijing Tianneng Yingli New Energy Resources Co., Ltd.; Hainan Yingli New Energy Resources Co., Ltd.; Shenzhen Yingli New Energy Resources Co., Ltd ...	0.00
Shanghai BYD Co., Ltd .....	0.00

### Cash Deposit Requirements

Because Canadian Solar, Yingli, and Shanghai BYD Co., Ltd. all have a superseding cash deposit rate, *i.e.*, final

<sup>15</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>16</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

results covering these companies have been published in a subsequent administrative review of the AD order on solar cells from China, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP) in connection with this notice. Thus, this notice will not affect the current cash deposit rate of these companies.

### Liquidation of Suspended Entries

At this time, Commerce remains enjoined, by orders of the CIT, from liquidating entries of subject merchandise that was entered, or withdrawn from warehouse, for consumption during the period December 1, 2014, through November 30, 2015 and produced and/or exported by the collapsed entity comprising Canadian Solar International Limited; Canadian Solar Manufacturing (Changshu), Inc.; Canadian Solar Manufacturing (Luoyang), Inc.; CSI Cells Co., Ltd.; CSI-GCL Solar Manufacturing (YanCheng) Co., Ltd.; and CSI Solar Power (China) Inc., or exported by any of the following entities: (1) the collapsed entity comprising Yingli Energy (China) Company Limited; Baoding Tianwei Yingli New Energy Resources Co., Ltd.; Tianjin Yingli New Energy Resources Co., Ltd.; Hengshui Yingli New Energy Resources Co., Ltd.; Lixian Yingli New Energy Resources Co., Ltd.; Baoding Jiasheng Photovoltaic Technology Co., Ltd.; Beijing Tianneng Yingli New Energy Resources Co., Ltd.; Hainan Yingli New Energy Resources Co., Ltd.; and Shenzhen Yingli New Energy Resources Co., Ltd.; (2) Shanghai BYD Co., Ltd.; (3) Ningbo Qixin Solar Electrical Appliance Co., Ltd.; (4) Chint Solar (Zhejiang) Co., Ltd.; (5) ERA Solar Co., Ltd.; (6) ET Solar Energy Limited; (7) Hangzhou Sunny Energy Science & Technology Co., Ltd.; (8) Hengdian Group DMEGC Magnetics Co., Ltd.; (9) JA Solar Technology Yangzhou Co., Ltd.; (10) Jiawei Solarchina (Shenzhen) Co., Ltd.; (11) Jiawei Solarchina Co., Ltd.; (12) JingAo Solar Co., Ltd.; (13) Lightway Green New Energy Co., Ltd.; (14) Ningbo ETDZ Holdings, Ltd.; (15) Risen Energy Co., Ltd.; (16) Shanghai JA Solar Technology Co., Ltd.; (17) Shenzhen Sungold Solar Co., Ltd.; (18) Shenzhen Topray Solar Co., Ltd.; (19) Star Power International Limited; (20) Systemes Versilis, Inc.; (21) Taizhou BD Trade Co., Ltd.; (22) tenKsolar (Shanghai) Co., Ltd.; (23) Toenergy Technology Hangzhou Co., Ltd.; (24) Wuxi Tianran Photovoltaic Co., Ltd.; (25) Zhejiang Era Solar Technology Co., Ltd.; and (26) Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company. These entries will

remain enjoined pursuant to the terms of injunctions during the pendency of any appeals process.

In the event the CIT’s ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on any unliquidated entries described in the preceding paragraph, in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when either the respondent’s weighted-average dumping margin is not zero or *de minimis* or the importer-specific *ad valorem* assessment rate is not zero or *de minimis*. Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is *de minimis* (*i.e.*, less than 0.5 percent), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>17</sup>

### Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: December 20, 2021.

### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2021–28071 Filed 12–23–21; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C–570–971]

### Multilayered Wood Flooring From the People’s Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Intent to Rescind Review, in Part; 2019

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of multilayered wood flooring (wood flooring) from the People’s Republic of China (China). The period of review (POR) is January 1, 2019, through December 31, 2019. Interested parties are invited to comment on these preliminary results of review.

**DATES:** Applicable December 27, 2021.

<sup>17</sup> See 19 CFR 351.106(c)(2).

**FOR FURTHER INFORMATION CONTACT:**

Dennis McClure, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5973.

**SUPPLEMENTARY INFORMATION:****Background**

On December 8, 2011, Commerce issued a countervailing duty (CVD) order on multilayered wood flooring from China.<sup>1</sup> Several interested parties requested that Commerce conduct an administrative review of the *Order*. On February 4, 2021, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *Order*.<sup>2</sup> On March 4 and October 7, 2021, we published in the **Federal Register** additional notices of initiation of an administrative review for two companies that were inadvertently excluded from the February 4, 2021 notice. Altogether, we initiated an administrative review of 171 producers/exporters for the POR.<sup>3</sup> On June 15, 2021, we rescinded this administrative review, in part, with respect to 88 companies, based on timely withdrawal of review requests.<sup>4</sup> For events that occurred since the *Initiation Notice*, see the Preliminary Decision Memorandum.<sup>5</sup>

**Scope of the Order**

The product covered by the *Order* is wood flooring from China. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

<sup>1</sup> See *Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order*, 76 FR 76693 (December 8, 2011) (*Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021) (*Initiation Notice*).

<sup>3</sup> Metropolitan Hardwood Floors, Inc. and Kember Flooring Inc., a.k.a. Kember Hardwood Flooring Inc. were inadvertently omitted from the initiation notice that published on February 4, 2021. See also *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 12599 (March 4, 2021); and *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 55811 (October 7, 2021).

<sup>4</sup> See *Multilayered Wood Flooring from the People's Republic of China: Partial Rescission of Countervailing Duty Administrative Review*, 2019, 86 FR 31696 (June 15, 2021) (*Partial Rescission*).

<sup>5</sup> See Memorandum, "Decision Memorandum for the Preliminary Results in the Countervailing Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China; 2019," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

**Intent To Rescind Administrative Review, in Part**

The following parties submitted no shipment certifications: Anhui Longhua Bamboo Product Co., Ltd. (Anhui); Benxi Flooring Factory (General Partnership) (Benxi); Dalian Deerfu Wooden Product Co., Ltd. (Deerfu); Dalian Shengyu Science and Technology Development Co., Ltd. (Shengyu); Dunhua Dexin Wood Industry Co., Ltd./Dunhua City Dexin Wood Industry Co., Ltd. (Dexin); Jiangsu Yuhui International Trade Co., Ltd. (Yuhui); Jiashan Fengyun Timber Co., Ltd. (Fengyun); Jiaying Hengtong Wood Co., Ltd. (Hengtong); Kember Flooring, Inc. (Kember); Kingman Wood Industry Co., Ltd. (Kingman); Muchsee Wood (Chuzhou) Co., Ltd. (Muchsee); Power Dekor Group Co., Ltd. (Power Dekor); Yingyi-Nature (Kunshan) Wood Industry Co., Ltd. (Yingyi-Nature); Zhejiang Dadongwu Greenhome Wood Co., Ltd. (Dadongwu); Zhejiang Shiyou Timber Co., Ltd. (Shiyou); and Zhejiang Shuimojiangan New Material Technology Co., Ltd. (New Material). Based on our analysis of U.S. Customs and Border Protection (CBP) information and comments received from interested parties, we preliminarily determine that eleven companies, Anhui; Benxi; Shengyu; Dexin; Yuhui; Kingman; Muchsee; Power Dekor; Yingyi-Nature; Shiyou; and New Material, had no shipments of subject merchandise during the POR.<sup>6,7</sup> Absent any evidence of shipments placed on the record, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the administrative review of these companies in the final results of review. Based on our analysis of CBP information and comments received from interested parties, we preliminarily determine that Kember, Hengtong and Dadongwu made shipments during the POR. For additional information regarding this determination, see the Preliminary Decision Memorandum.

**Methodology**

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution by an "authority" that confers a benefit to

<sup>6</sup> See Memorandum, "No Shipment Inquiry for Certain Companies During the Period 01/01/2019 through 12/31/2019," dated November 17, 2021.

<sup>7</sup> We did not consider Deerfu's no shipment certification and Fengyun's no shipment certification because we rescinded the review for these companies. See *Partial Rescission*, 86 FR at 31697.

the recipient, and that the subsidy is specific.<sup>8</sup> For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

**Preliminary Rate for Non-Selected Companies Under Review**

As discussed above, Commerce initiated this administrative review on 171 producers/exporters; rescinded this administrative review, in part, with respect to 88 producers/exporters; and intends to rescind this review with respect to eleven companies that have certified no shipments during the POR. In addition, Commerce selected two mandatory respondents, Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Jiangsu Senmao) and Riverside Plywood Corp. (Riverside Plywood) for individual examination.<sup>9</sup> For the remaining 67 companies subject this review, because the rates calculated for the mandatory respondents were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Jiangsu Senmao and Riverside Plywood using publicly ranged sales data submitted by these mandatory respondents. This methodology to establish the all-others subsidy rate is consistent with our practice and section 705(c)(5)(A) of the Act. For further information on the calculation of the non-selected respondent rate, refer to the section in the Preliminary Decision Memorandum entitled "Non-Selected Companies Under Review." For a list of the non-

<sup>8</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>9</sup> Cross-owned affiliates are Baroque Timber Industries (Zhongshan) Co., Ltd.; Suzhou Times Flooring Co., Ltd.; and Zhongshan Lianjia Flooring Co., Ltd.

selected companies, *see* Appendix II to this notice.

### Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a countervailable subsidy rate for each of the mandatory respondents, Jiangsu Senmao and Riverside Plywood, and their cross-owned affiliates, where applicable.

We preliminarily find the countervailable subsidy rates for the mandatory and non-selected respondents under review to be as follows:

Producer/exporter	Subsidy rate (percent)
Riverside Plywood Corp. and its Cross-Owned Affiliates <sup>10</sup> .....	22.70
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd .....	5.50
Non-Selected Companies Under Review <sup>11</sup> .....	15.71

### Disclosure

We intend to disclose to interested parties the calculations performed for these preliminary results in accordance with 19 CFR 351.224(b).

### Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this review. Accordingly, we intend to verify the information relied upon for the final results through alternative means in lieu of an on-site verification.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case and rebuttal briefs and written comments will be provided to interested parties at a later date.<sup>12</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business

proprietary information until further notice.<sup>13</sup>

Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

### Final Results

Unless extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

### Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or

withdrawal from warehouse, for consumption, during the period January 1, 2019, through December 31, 2019, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above and in Appendix II on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: December 17, 2021.

### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Non-Selected Companies Under Review
- IV. Scope of the Order
- V. Diversification of China's Economy
- VI. Use of Facts Otherwise Available and Application of Adverse Inferences
- VII. Subsidies Valuation
- VIII. Interest Rate Benchmarks, Discount Rates, Inputs, Land-Use and Electricity Benchmarks
- IX. Analysis of Programs
- X. Recommendation

### Appendix II—Non-Selected Companies Under Review

1. Anhui Boya Bamboo & Wood Products Co., Ltd.

<sup>10</sup> Cross-owned affiliates are Baroque Timber Industries (Zhongshan) Co., Ltd.; Suzhou Times Flooring Co., Ltd.; and Zhongshan Lianjia Flooring Co., Ltd.

<sup>11</sup> *See* Appendix II.

<sup>12</sup> *See* 19 CFR 351.309(c) and (d).

<sup>13</sup> *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

2. Anhui Yaolong Bamboo & Wood Products Co. Ltd.
3. Armstrong Wood Products (Kunshan) Co., Ltd.
4. Benxi Wood Company
5. Changzhou Hawd Flooring Co., Ltd.
6. Dalian Guhua Wooden Product Co., Ltd.
7. Dalian Huilong Wooden Products Co., Ltd.
8. Dalian Jaenmaken Wood Industry Co., Ltd.
9. Dalian Jiahong Wood Industry Co., Ltd.
10. Dalian Kemian Wood Industry Co., Ltd.
11. Dalian Penghong Floor Products Co., Ltd.
12. Dalian Qianqiu Wooden Product Co., Ltd.
13. Dalian Shumaike Floor Manufacturing Co., Ltd.
14. Dalian T-Boom Wood Products Co., Ltd.
15. Dongtai Fuan Universal Dynamics, LLC
16. Dun Hua Sen Tai Wood Co., Ltd.
17. Dunhua City Hongyuan Wood Industry Co., Ltd.
18. Dunhua City Jisen Wood Industry Co., Ltd.
19. Dunhua Shengda Wood Industry Co., Ltd.
20. Fine Furniture (Shanghai) Limited
21. Fusong Jinlong Wooden Group Co., Ltd.
22. Fusong Jinqiu Wooden Product Co., Ltd.
23. Fusong Qianqiu Wooden Product Co., Ltd.
24. Guangdong Yihua Timber Industry Co., Ltd.
25. Guangzhou Homebon Timber Manufacturing Co., Ltd.
26. HaiLin LinJing Wooden Products Co., Ltd.
27. Hangzhou Hanje Tec Company Limited
28. Hangzhou Zhengtian Industrial Co., Ltd.
29. Hunchun Forest Wolf Wooden Industry Co., Ltd.
30. Hunchun Xingjia Wooden Flooring Inc.
31. Huzhou Chenghang Wood Co., Ltd.
32. Huzhou Fulinmen Imp. & Exp. Co., Ltd.
33. Huzhou Jesonwood Co., Ltd.
34. Huzhou Sunergy World Trade Co., Ltd.
35. Jiangsu Guyu International Trading Co., Ltd.
36. Jiangsu Keri Wood Co., Ltd.
37. Jiangsu Mingle Flooring Co., Ltd.
38. Jiangsu Simba Flooring Co., Ltd.
39. Jiashan HuiJiaLe Decoration Material Co., Ltd.
40. Jiashan On-Line Lumber Co., Ltd.
41. Jiaxing Brilliant Import & Export Co., Ltd.
42. Jiaxing Hengtong Wood Co., Ltd.
43. Jilin Xinyuan Wooden Industry Co., Ltd.
44. Karly Wood Product Limited
45. Kember Flooring, Inc., a.k.a. Kember Hardwood Flooring, Inc.
46. Kemian Wood Industry (Kunshan) Co., Ltd.
47. Kingman Floors Co., Ltd.
48. Lauzon Distinctive Hardwood Flooring
49. Linyi Anying Wood Co., Ltd.
50. Linyi Youyou Wood Co., Ltd. (successor-in-interest to Shanghai Lizhong Wood Products Co., Ltd.) (a/k/a The Lizhong Wood Industry Limited Company of Shanghai)
51. Metropolitan Hardwood Floors, Inc.
52. Pingte Timber Manufacturing (Zhejiang) Co., Ltd.
53. Power Dekor North America Inc.
54. Scholar Home (Shanghai) New Material Co. Ltd.
55. Shanghaifloor Timber (Shanghai) Co., Ltd.
56. Sino-Maple (Jiangsu) Co., Ltd.
57. Suzhou Dongda Wood Co., Ltd.
58. Tongxiang Jisheng Import and Export Co., Ltd.
59. Xiamen Yung De Ornament Co., Ltd.
60. Xuzhou Shenghe Wood Co., Ltd.
61. Yekalon Industry, Inc.
62. Yihua Lifestyle Technology Co., Ltd.
63. Zhejiang Dadongwu GreenHome Wood Co., Ltd. (a.k.a. Zhejiang Dadongwu Greenhome Wood Co., Ltd. and Zhejiang Dadongwu Green Home Wood Co., Ltd.)
64. Zhejiang Fuerjia Wooden Co., Ltd.
65. Zhejiang Jiechen Wood Industry Co., Ltd.
66. Zhejiang Longsen Lumbering Co., Ltd.
67. Zhejiang Simitte Wooden Co., Ltd.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-979]

#### **Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On December 8, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *SolarWorld Americas, Inc., et al. v. United States*, Consol. Court No. 16-00134, sustaining the Department of Commerce (Commerce)'s fourth remand results pertaining to the administrative review of the antidumping duty (AD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China) covering the period December 1, 2013, through November 30, 2014. Commerce is notifying the public that the CIT's final judgment is not in harmony with the final results of the 2013-2014 AD administrative review of the solar cells from China and that Commerce is amending those final results with respect to the dumping margin assigned to the following companies: (1) The collapsed entity comprising Changzhou Trina Solar Energy Co., Ltd.; Trina Solar (Changzhou) Science and Technology Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; and Hubei Trina Solar Energy Co., Ltd. (collectively, Trina); (2) Canadian Solar International Limited; (3) Canadian Solar Manufacturing (Changshu) Inc.;

(4) Canadian Solar Manufacturing (Luoyang) Inc.; (5) BYD (Shangluo) Industrial Co., Ltd.; and (6) Shanghai BYD Co., Ltd.

**DATES:** Applicable December 18, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2769.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On June 20, 2016, Commerce published the final results of the 2013-2014 AD administrative review of solar cells from China. In the *Final Results*, Commerce selected Thailand as the primary surrogate country and relied on Thai import data to value nitrogen that was used in manufacturing solar cells.<sup>1</sup>

Respondents, Trina, Canadian Solar Inc. et al., BYD (Shangluo) Industrial Co., Ltd., Shanghai BYD Co., Ltd., and Yingli,<sup>2</sup> and domestic interested party, SolarWorld Americas, Inc. (SolarWorld), challenged Commerce's *Final Results* (CIT case numbers 16-00132, 16-00134, and 16-00135). The CIT consolidated case numbers 16-00132, 16-00134, and 16-00135 into case number 16-00134 in October 2016. On October 18, 2017, the CIT sustained Commerce's *Final Results* with respect to: (1) The surrogates that it selected to value aluminum frames, semi-finished polysilicon ingots and blocks, solar backsheets, nitrogen, and financial ratios; and (2) its application of adverse facts available with respect to unreported factors of production. However, the CIT remanded the *Final Results* to Commerce to reconsider, or further explain: (1) The surrogates that it selected to value tempered glass and scrapped solar cells and modules; and (2) its decision to include import values with zero import quantities in its surrogate value calculations.<sup>3</sup>

<sup>1</sup> See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2013-2014*, 81 FR 39905 (June 20, 2016) (*Final Results*), and accompanying Issues and Decision Memorandum at Comment 21.

<sup>2</sup> We used "Yingli" to refer to the following companies that we treated as a single entity: Yingli Energy (China) Company Limited; Baoding Tianwei Yingli New Energy Resources Co., Ltd.; Tianjin Yingli New Energy Resources Co., Ltd.; Hengshui Yingli New Energy Resources Co., Ltd.; Lixian Yingli New Energy Resources Co., Ltd.; Baoding Jiasheng Photovoltaic Technology Co., Ltd.; Beijing Tianneng Yingli New Energy Resources Co., Ltd.; Hainan Yingli New Energy Resources Co., Ltd.; and Shenzhen Yingli New Energy Resources Co., Ltd.

<sup>3</sup> See *SolarWorld Americas, Inc. et al. v. United States*, 273 F. Supp. 3d 1254 (CIT 2017).